

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**RHONDA P. LEY, Regional Director of the
Third Region of the National Labor Relations Board,
for and on behalf of the
NATIONAL LABOR RELATIONS BOARD**

Petitioner

v.

**CIVIL NO. 1:16-cv-1279
(FJS/DJS)**

ASGS MANAGEMENT CORP.

Respondent

**STIPULATION AND ORDER DISMISSING CASE
UNDER 29 U.S.C. SECTION 160(j)**

IT IS HEREBY STIPULATED AND AGREED by and between the Petitioner, Rhonda P. Ley, Regional Director of the Third Region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board ("the Board"), and the Respondent, ASGS Management Corp., ("Respondent") by their respective attorneys pursuant to the Federal Rules of Civil Procedure Rule 41(a)(1)(A)(ii) and subject to the approval of the Court, that:

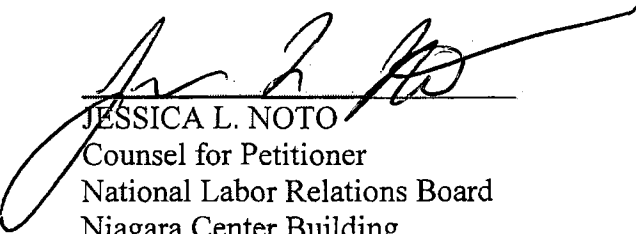
1. On October 26, 2016, after securing authorization from the Board, the Petitioner, for and on behalf of the Board, filed a petition with this Court pursuant to Section 10(j) of the National Labor Relations Act, 29 U.S.C. Section 160(j), seeking a temporary injunction against the Respondent, pending the final administrative disposition of a certain unfair labor practice charge before the Board.

2. On November 10, 2016, the parties entered into a non-Board settlement that resolved all allegations. As part of the settlement, Respondent agreed to make backpay and frontpay payments to the alleged discriminatee, the last payment being on June 30, 2017.


3. On November 14, 2016, the Acting Regional Director of Region Three of the Board, approved the Charging Party Union's request to withdraw the unfair labor practice charge conditioned upon the Respondent's compliance with the terms of the parties' non-Board resolution. The Acting Regional Director further dismissed the Complaint and Notice of Hearing, subject to reinstatement for further processing upon evidence that Respondent has failed to comply with the parties' non-Board resolution.

4. As a result of the parties' settlement obviating and extinguishing the need for injunctive relief, the parties seek dismissal of the current matter before this Court.

5. Accordingly, the parties respectfully move that the Court grant this Stipulation and Order Dismissing Case without prejudice.




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Dated this 15th day of November, 2016.

IT IS SO ORDERED:



Frederick J. Scullin, Jr.
Senior U.S. District Judge

Dated: November 17, 2016
Syracuse, NY